IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 22ND AUGUST 2007 / 31ST SRAVANA 1929

Bail Appl..No. 5152 of 2007()

CP.62/2007 of J.M.F.C., HARIPAD

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CRIME NO.212/2005 OF KARTHIKAPPALLY EXCISE RANGE

PEITIONER/2ND ACCUSED

BABU, S/O.RAGHAVAN, THARAYIL VEEDU,
KARUVATTA NORTH MURI, KARUVATTA VILLAGE.

BY ADV. SRI.S.SANAL KUMAR

RESPONDENTS: COMPLAINANT

STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR ADV.SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 22/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

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B.A.No.5152 of 2007

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Dated this the 22nd day of August, 2007

ORDER

Application for regular bail. Allegations are raised under the provisions of the Kerala Abkari Act. The petitioner along with co-accused was allegedly found to be in possession of 20 litres of arrack on 19.10.2005. Investigation is complete. Final report has already been filed. Committal proceedings has been registered. The petitioner was arrested on 6.8.07 and he continues in custody from that date. The learned Public Prosecutor submits that the petitioner has no history of criminal antecedents.

2. The learned counsel for the petitioner prays, the learned Public Prosecutor does not oppose the said prayer and I am satisfied that the petitioner can now be enlarged on bail subject to appropriate conditions.

3. In the result, this application is allowed. The petitioner shall be released on bail on the following terms and conditions.

i) The petitioner shall execute a bond for Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

ii) The petitioner shall make himself available for interrogation before the Investigating Officer as and when directed by the Investigating Officer in writing to do so.

(R.BASANT, JUDGE)

sj